

No. PD-0503-17

IN THE
COURT OF CRIMINAL APPEALS
AUSTIN, TEXAS

FILED
COURT OF CRIMINAL APPEALS
9/27/2017
DEANA WILLIAMSON, CLERK

GEORGE DELACRUZ	§	PETITIONER
VS.	§	
THE STATE OF TEXAS	§	RESPONDENT

Appeal from the 147th District Court of Travis County, Texas
Trial Court Cause No. D-1-DC-13-900252
Austin Court of Appeals Cause No. 03-15-00302-CR

STATE'S MOTION FOR EXTENSION OF TIME
TO FILE BRIEF ON THE MERITS

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

The State of Texas, by and through the District Attorney for Travis County, respectfully moves the Court for an extension of the deadline for the filing of the State's brief on the merits. In accordance with Texas Rule of Appellate Procedure 10.5(b), undersigned counsel respectfully advises the Court as follows:

- (a) Petitioner was found guilty of murder, and the trial court assessed Petitioner's punishment at imprisonment for life.

- (b) On April 21, 2017, the Third Court of Appeals affirmed the judgment of the trial court. On May 22, 2017, Petitioner filed a petition for discretionary review. On July 26, 2017, this Court granted the petition.
- (c) The Petitioner's brief on the merits was marked filed on August 28, 2017.
- (d) The State's brief on the merits is currently due on **September 27, 2017**.
- (e) This request is that the deadline for filing the State's brief on the merits be extended by **30 days**.
- (f) The number of previous extensions of time granted for submission of the State's brief is: **none**.
- (g) The State relies upon the following facts to reasonably explain the need for an extension of the deadline:
 - 1. During the period since the appellant's brief was filed, the undersigned attorney has completed and filed the State's briefs in three other pending appellate cases (i.e., *William Childress v. State of Texas*, Cause Nos. 03-16-00535-CR to 03-16-00537-CR). In addition, the undersigned attorney is currently preparing a responsive brief in another murder case that is pending on appeal (i.e. *Mark Norwood v. State of Texas*, No. 03-16-006596-CR).

2. In addition, the undersigned attorney, as the chief of the appellate section of the Travis County District Attorney's Office, has been required, during the pendency of the instant appeal, to spend a considerable amount of time working on a variety of other legal matters and administrative issues.
3. This request is not made for the purpose of delay but to ensure that this Court has a responsive State's brief that will fully address the legal and factual issues and assist the Court in reaching a just disposition in this case.

WHEREFORE, the State of Texas respectfully requests that the deadline for filing the State's brief on the merits be extended to **October 27, 2017**.

Respectfully submitted,

MARGARET MOORE
District Attorney
Travis County, Texas

/s/ M. Scott Taliaferro
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CERTIFICATE OF COMPLIANCE

Pursuant to Texas Rule of Appellate Procedure 9.4(i), I hereby certify, based upon the computer program used to generate this motion, that this motion contains 380 words. I certify, further, that this motion is printed in a conventional, 14-point typeface.

/s/ M. Scott Taliaferro
Assistant District Attorney

CERTIFICATE OF SERVICE

I hereby certify that, on the 27th day of September, 2017, a true and correct copy of this motion was served, by U.S. mail, electronic mail, facsimile, or electronically through the electronic filing manager, to the Appellant's attorney, Linda Icenhauer-Ramirez, Attorney at Law, 1103 Nueces, Austin, Texas 78701, ljir@aol.com; and Stacey M. Soule, State Prosecuting Attorney, P.O. Box 13046, Austin, Texas 78711-3046, stacey.soule@spa.texas.gov.

/s/ M. Scott Taliaferro
Assistant District Attorney